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Costco Wholesale Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: TFT-LCD (FLAT PANEL)
ANTITRUST LITIGATION

This Document Relates to Individual Case No.
3:11-00058-SI

COSTCO WHOLESALE CORPORATION,

Plaintiff,

v.

AU OPTRONICS CORPORATION; et al.,

Defendants.

Master File No. M:07-1827 SI

MDL No. 1827

Individual Case No.: 3:11-cv-00058-SI

STIPULATION AND [~~PROPOSED~~]
ORDER REGARDING SERVICE AND
SCHEDULING

Clerk's Action Required

I. STIPULATION

WHEREAS, plaintiff Costco Wholesale Corporation ("Costco") filed the above-captioned lawsuit on November 30, 2010;

WHEREAS, the Clerk of the United States Judicial Panel on Multidistrict Litigation issued a Conditional Transfer Order (CTI-10) transferring this lawsuit under 28 U.S.C. § 1407 to

STIPULATION AND [PROPOSED] ORDER REGARDING SERVICE AND
SCHEDULING – 3:11-cv-00058 (Master File No. 07-md-1827)

1 the Northern District of California, subject to the consent of that court, assigned to the Honorable
2 Susan Yvonne Illston.

3 WHEREAS, Costco wishes to avoid the burden and expense of serving process on the
4 Stipulating Defendants;

5 WHEREAS, the Stipulating Defendants desire a reasonable amount of time to respond to
6 Costco's Complaint;

7 WHEREAS, Costco and the Stipulating Defendants believe that proceeding on a unified
8 response date will create efficiency for the Court and the parties by reducing duplicative motion
9 practice;

10 WHEREAS, this extension will not alter the date of any event or any deadline already
11 fixed by the Court;

12 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the
13 undersigned counsel, on behalf of their respective clients, Costco, on the one hand, and
14 defendants AU Optronics Corporation; AU Optronics Corporation America; Chi Mei Corp.; Chi
15 Mei Optoelectronics Corporation; Chi Mei Optoelectronics, USA, Inc.; CMO Japan Co., Ltd.;
16 Epson Electronics America, Inc.; Epson Imaging Devices Corporation; HannStar Display
17 Corporation; Hitachi, Ltd.; Hitachi Display, Ltd.; Hitachi Electronic Devices (USA), Inc.; LG
18 Display Co., Ltd.; LG Display America, Inc.; Nexgen Mediatech USA, Inc.; Nexgen Mediatech,
19 Inc.; Samsung Electronics Company; Samsung Electronics America, Inc.; Samsung
20 Semiconductor, Inc.; Sharp Corporation; Sharp Electronics Corporation; Tatung Company of
21 America, Inc.; Toshiba Corporation; Toshiba America Electronic Components, Inc.; Toshiba
22 America Information Systems, Inc.; and Toshiba Mobile Display Co., Ltd. (collectively,
23 "Stipulating Defendants") on the other hand, as follows:

24 1. Stipulating Defendants waive service of Costco's Complaint under Federal Rule
25 of Civil Procedure 4(d).

1 2. Stipulating Defendants will have ninety (90) days following the execution of this
2 stipulation, to move against, answer or otherwise respond to Costco's Complaint. In computing
3 this time period, Rule 6 of the Federal Rules of Civil Procedure shall govern.

4 3. Costco and Stipulating Defendants agree to the following briefing schedule for
5 any motion or motions to dismiss Costco's Complaint (the "Motions") and agree to file all
6 motions or proposed orders as necessary to implement the agreed-upon schedule. To the extent
7 the Court does not accept all or any part of the proposed schedule, Costco and Stipulating
8 Defendants agree to work in good faith to establish a briefing schedule for the Motions
9 acceptable to all parties and the Court to replace that set forth below:

10 a. Costco will have forty-five (45) days from the date that defendants move,
11 answer or otherwise respond to Costco's complaint to file any response(s) to the Motions.

12 b. Stipulating Defendants will have twenty-one (21) days from the date that
13 Costco files any response(s) to the Motions to file any reply brief(s) to the Motions.

14 c. The hearing on the Motions will be noticed for a date that is within at least
15 ten (10) days following the date for filing of any reply brief(s) to the Motions.

16 4. Except as set forth above, all Local Rules shall remain in effect with respect to the
17 briefing on the Motions. Entering into this stipulation does not effect a waiver of any defense
18 under Federal Rule of Civil Procedure 12. This stipulation does not constitute a waiver of any
19 challenge to personal jurisdiction by any Defendant.

20 IT IS SO STIPULATED:

21 DATED this 23rd day of February, 2011.
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The filer of this document attests that the concurrence of the other signatories has been obtained.

II. ORDER

IT IS SO ORDERED.

DATED this 12th day of May, 2011.



Hon. SUSAN ILLSTON